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on 3738

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UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Rosenthal et al.

Confirmation No.:

3444

Serial No.:

10/062,794

Art Unit:

3738

Filed:

January 31, 2002

Examiner: Suzette Jamie J. Gherbi

For:

MEDICAL DEVICE FOR DELIVERING

Attorney Docket No.:

10177-101-999

BIOLOGICALLY ACTIVE MATERIAL

(CAM No.:

008563-999099)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1.	Enclosures accompanying this Information Disclosure Statement are:					
	1a.	A list of all patents, publications, applications, or other information submitted for consideration by the office.				
	1b.	A legible copy of:				
		☐ Each publication or that portion which caused it to be listed on the PTO-1449;				
·		For each cited pending U.S. application filed before June 30, 2003, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;				
		all other information or portion which caused it to be listed on the PTO-1449.				
	1c.	An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.				
	ld.	Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.				
	le.	Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. patent application publications are not submitted herewith.				
2.		This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b): Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);				

		§1.491 in an international application;
		☐ Before the mailing of the first Office action on the merits;
		Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3.	under 3	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the specified in 37 C.F.R §1.97(b), but before the mailing date of any of a final action 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that ise closes prosecution in the application.
		(Check either Item 3a or 3b)
	3a.	The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
	3b.	The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
		 ☐ enclosed ☐ to be charged to Jones Day Deposit Account No. 50-3013.
		(Item 3b to be checked if any reference known for more than 3 months)
4.	period	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
	The Ce	ertification Statement in Item 5 below is applicable.
		The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed.
	_	to be charged to Jones Day Deposit Account No. 50-3013
5.		Certification Statement (applicable if Item 3a or Item 4 is checked)
		(Check either Item 5a or 5b)
	5a.	In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
	5b.	Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
	5c.	Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6.		This application is a continuation application under 37 C.F.R. §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

	6a.	A Petition to		w from issue under 37 (C.F.R. §1.313(b)(5) is concurrently			
,	6b.	No., f	iled on	, of which this app	149 from prior application Serial ication claims priority under 35 t to 37 C.F.R. §1.98(d).			
,	6c.	Copies of the prior applica			O-1449 were not previously cited in , and are provided herewith.			
7.		This is a Suppler	nental In	formation Disclosure St	atement. (Check Item 7a)			
	7a.	supplements attempt was were made. additional tin	the Informade to on These on the is required	mation Disclosure State comply with 37 C.F.R. (nissions have been corre	1.98, but inadvertent omissions octed herein. Accordingly, emental Information Disclosure			
8.	unders			F.R. §1.98, a concise expeach non-English langu	planation of what is presently age publication is:			
			(Ch	eck Item 8a, 8b, or 8c)				
	8a.	enclosed Eng search report	glish lang f from a c	uage copy of the PCT I	blications were cited on the nternational Search Report or the cation indicating the degree of			
	8b.	set forth in the	ne applica	ation.				
	8c.	enclosed as a	ın attachr	nent hereto.				
9.	The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.							
10.	(other t	naterial to patental than a search repor	bility and rt of a for	no representation is ma	n this Statement is, or is considered de that a search has been made tion or PCT International Search			
				Respectfully submitted	,			
Date:	Augus	August 19, 2005		Gidon D. Stern (Reg. No. 27,469				
			By:	Linda B. Azrin	(Reg. No. 44,516)			
				JONES DAY 222 East 41st Street New York, New York (212) 326-3939	x 10017			



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ENTE TO LANGE					10177-101-999 10/062,794			
LIST OF F	REFE	RENCES CITED BY		NT	APPLICANT			
		(Use several sheets if	necessary)		Rosenthal et al.			
					FILING DATE		GROUP	
					January 31, 200	2	3738	
•			U.S. PA	TENT DOCUM	IENTS			
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	N	AME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
)	A01	6,764,505	07/20/2004	Hossainy et al.		CEAGO	Bebeares	04/12/2001
	A02							
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			FOREIGN	PATENT DOC	UMENTS			
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	B01							YES NO
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	B05 B06 B07 B08 B09 C01	OTHER REFERE	ENCES (Incl.		le, Date, Pertinen	t Pages, I	Etc.)	
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